

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

Ann Shelby, )  
 )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 1) Rebecca Nyhus and Jordan Berry d/b/a )  
 Plasticland, a Texas unincorporated business, )  
 2) Socksmith Design, Inc., a California corp., )  
 3) Forum Novelties, Inc., a New York corp., ) Case No. CIV-16-432-D  
 4) HK Web Marketing LLC, d/b/a Wonder )  
 Costumes, LLC, a Florida limited liability co., )  
 5) Blockbuster Costumes, LLC., a Delaware )  
 limited liability co., 6) Spencer Gifts )  
 Costumes LLC, a Delaware limited liability )  
 co., 7) Walmart.com USA, LLC, a California )  
 limited liability co., )  
 )  
 Defendants. )  
 )  
 )

**DEFENDANTS' MOTION FOR LEAVE TO APPEAR TELEPHONICALLY AT  
MAY 3, 2017 HEARING**

Defendants Forum Novelties, Inc., HK Web Marketing, LLC; LLC; BlockBuster Costumes, LLC; Spirit Halloween Superstores LLC, and Spencer Gifts Costumes, LLC (“Defendants”) move this Court to allow their co-counsel, Jeanne K. Spital, to appear telephonically at the status and scheduling conference set for May 3, 2016, at 9:30 a.m. In support of this motion, the parties state the following:

1. Co-counsel for Defendants are located in Miami, Florida.

CASE NO.: CIV-16-432-D

2. Defendants' Co-counsel Craig Fitzgerald will appear in person.
3. Allowing Co-counsel to appear telephonically will save Defendants considerable resources, and will not adversely affect the proceedings.
4. Based on the above, Defendants respectfully request that the Court grant counsel leave to appear telephonically at the hearing set for May 3, 2017 at 9:30 a.m.
5. A proposed order is submitted herewith.

Respectfully submitted,

By: /s/ Jeanne K. Spital  
Edward S. Polk  
Florida Bar Number: 239860  
Jeanne K. Spital  
Florida Bar Number: 344273  
Cole Scott & Kissane Building  
9150 South Dadeland Blvd., Suite 1400  
Miami, FL 33256  
Telephone: (305) 350-5338  
Facsimile: (305) 373-2294  
Primary email: [Edward.Polk@csklegal.com](mailto:Edward.Polk@csklegal.com)  
Primary email: [Jeanne.Spital@csklegal.com](mailto:Jeanne.Spital@csklegal.com)  
Secondary email:  
[Susana.Rodriguez@csklegal.com](mailto:Susana.Rodriguez@csklegal.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on April 11, 2017, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based on the records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to all the ECF registrants:

/s/Jeanne K. Spital

Jeanne K. Spital

[\\mia-file\\miadoc\\160713\\_0001\\\[3221224\] motion - blank \(additional captions\).do](\\mia-file\\miadoc\\160713_0001\\[3221224] motion - blank (additional captions).do)

